**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**
**&**
**THE HONOURABLE MRS. JUSTICE K.HEMA**

**SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929**

**MFA.No. 1052 of 2001(B)**
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**C.C. NO.60/1993 IN CP. 57/89 OF HIGH COURT OF KERALA, ERNAKULAM.**
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**APPELLANT: ADDL.RESPONDENTS 2 TO 8.**
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1. **MARY, W/O. LATE MATHEW,**
**AVITTAMBILLIL HOUSE, H/NO. XII/208,**
**METHALA PANOHAYATH, KANDAMKULAM P.O.,**
**METHALA VILLAGE, KODUNGALLUR TALUK,**
**TRICHUR DT.**

2. **JOSEPH, S/O.LATE MATHEW**
**AVITTAMBILLIL HOUSE, H/NO. XII/208,**
**METHALA PANOHAYATH , KANDAMKULAM P.O.,**
**METHALA VILLAGE, KODUNGALLUR TALUK,**
**TRICHUR DT.**

3. **ANNIE FRANCIS, D/O. LATE MATHEW,**
**AVITTAMBILLIL HOUSE, N/NO. XII/208,**
**METHALA PANOHAYATH , KANDAMKULAM P.O.,**
**METHALA VILLAGE, KODUNGALLUR TALUK,**
**TRICHUR DT.**

4. **RAPHEL, S/O. LATE MATHEW,**
**AVITTAMBILLIL HOUSE, H/NO.XII,/208,**
**METHALA PANOHAYATH , KANDAMKULAM P.O.,**
**METHALA VILLAGE, KODUNGALLUR TALUK,**
**TRICHUR DT.**

5. **TREESA, D/O. LATE MATHEW,**
**AVITTAMBILLIL HOUSE, H/NO.XII/208,**
**METHALA PANOHAYATH , KANDAMKULAMP.O.,**
**METHALA VILLAGE, KODUNGALLUR TALUK,**
**TRICHUR DT.**

**6. LONAPPAN, S/O. LATE SRI.MATHEW, AVITTAMBILLIL HOUSE, H/NO.XII/208, METHALA PANOHAYATH , KANDAMKULAM P.O., METHALA VILLAGE, KODUNGALLUR TALUK, TRICHUR DT.**

**7. SHYLA, D/O. LATE MATHEW, AVITTAMBILLIL HOUSE, H/NO.XII/208, METHALA PANOHAYATH , KANDAMKULAM P.O., METHALA VILLAGE, KODUNGALLUR TALUK, TRICHUR DT.**

**BY ADV. SRI.B.KRISHNA MANI**
**SRI.V.PREMCHAND**

**RESPONDENT/ CLAIMANT**
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**THE CHANDINI CHITS (P) LTD., (IN LIQUIDATION) REP.BY THE OFFICIALS LIQUIDATION), HIGH COURT OF KERALA, ERNAKULAM.**

**BY ADV. K.MONI.**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**M.F.A. NO.1052/2001**

**ORDER ON CMP. 7596/2001 IN MFA. NO.1052/2001**

**DISMISSED**

**01.12.2007** **SD/- J.B.KOSHY, JUDGE**

**SD/- K.HEMA, JUDGE**

**/TRUE COPY/**

**P.A. TO JUDGE**

**tss**

**J.B.KOSHY & K.HEMA, JJ.**

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M.F.A.No.1052 OF 2001

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Dated 1st December, 2007

**JUDGMENT**

**Koshy,J.**

An application was filed for realisation of Rs.6,500/= from the original first respondent as the balance of kuri amount. The Ex-Managing Director of the company was examined as PW1. There was an admission by PW1 that the amount demanded was actually due. He also stated that there was some problem in the company. Later, photocopy of a receipt was produced to show that the amount was paid, but, that was not accepted by the company court. The original respondent had no case that he had paid off the amount. Therefore, the balance amount was only Rs.6,500/=. We see no ground to accept the contention of the appellants, legal representatives of the original respondent, that the amount demanded was actually paid on the basis of the photocopy of the receipt which was not proved. In the above circumstances, we see no ground to interfere with the impugned judgment. However, on the facts of this case and considering the fact that the original respondent died, if the above amount of Rs.6,500/= is paid before on or 31.1.2008, no

interest shall be charged. No further extension of time on any count will be granted.

The appeal is disposed of accordingly.

**J.B.KOSHY**
**JUDGE**

**K.HEMA**
**JUDGE**

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